

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DONNIE WALTON,

Plaintiff

vs.

CITY OF LOS ANGELES; OFFICER MARULLO (#33567), an individual; OFFICER LEONIDAS (#37743), an individual, and DOES 1 TO 50, INCLUSIVE.

Defendants.

CASE NO. CV11-02316 RJT (JCGx)

Hon. Robert J. Timlin, Ctrm. 4

Hon. Mag. Jay C. Gandhi, "A" on 8th Fl.

[PROPOSED] JUDGMENT
AFTER TRIAL BY JURY

TRIAL DATE: July 9, 2013
TIME: 9:00 a.m.
CRTM: 4

**TO THE HONORABLE COURT, TO PLAINTIFF AND TO HIS COUNSEL
OF RECORD THEREIN:**

On July 9, 2013, the foregoing matter was called for trial in Courtroom 4 of the United States District Court, the Honorable Robert J. Timlin presiding. The parties answered ready for Trial on July 9, 2013, and a panel of jurors was called and sworn on that date.

The case was tried to the jury and on July 15, 2013, the case was then submitted to the jury for deliberation.

On July 15, 2013, the jury returned a unanimous verdict as follows:

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SPECIAL VERDICT

(Plaintiff Donnie Walton v. Defendant
Officer Samuel Marullo)

We, the jury in the above-entitled action, unanimously answer the following questions as our special verdict:

EXCESSIVE USE OF FORCE

Question No. 1:

8 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
9 Defendant Samuel Marullo deprived him of his Fourth Amendment right by using excessive
10 force during the detention and arrest of Plaintiff?

If you answered "Yes" to Question No. 1, please answer Question No. 2. If you answered "No" to Question No. 1, please go to Question No. 6.

Question No. 2:

Has Plaintiff Donnie Walton proved by a preponderance of the evidence that Defendant Samuel Marullo's conduct was the cause of harm to Plaintiff? ?

Yes _____ No

If you answered "Yes" to Question No. 2, please answer Question No. 3. If you answered "No" to Question No. 2, please go to Question No. 6.

Question No. 3:

23 What is the total amount of compensatory damages Plaintiff has proved he has
24 suffered by a preponderance of the evidence as a result of the use of excessive force on him
25 by Defendant Samuel Marullo:

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If in answer to Question No. 3, you have not awarded Plaintiff Donnie Walton any compensatory damages, please answer Question No. 4. If in answer to Question No. 3, you did award Plaintiff Donnie Walton compensatory damages, proceed to Question 5.

Question No. 4:

What is the amount of nominal damages suffered by a Plaintiff Donnie Walton as a result of the use of excessive force on him by Defendant Samuel Marullo:

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Please proceed to Question No. 5.

Question No. 5:

Has Plaintiff proved by a preponderance of the evidence that Defendant Samuel Marullo's conduct was malicious, oppressive, or in reckless disregard of Plaintiff Donnie Walton's Fourth Amendment right to be free from the use of excessive force on him:

_____ Yes _____ No

Please proceed to Question No. 6.

BATTERY

Question No. 6:

Has Plaintiff Donnie Walton proved by a preponderance of the evidence that Defendant Samuel Marullo used unreasonable force during the detention and arrest of Plaintiff?

_____ Yes _____ X No

If you answered "Yes" to Question No. 6, please answer Question No. 7. If you answered "No" to Question No. 6, please have your presiding juror sign and date the Verdict Form.

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1 Question No. 7

2 Has Plaintiff Donnie Walton proved by a preponderance of the evidence that
3 Defendant Samuel Marullo's conduct was the cause of harm to Plaintiff? ?

4 _____ Yes _____ No

5 If you answered "Yes" to Question No. 7, please answer Question No. 8. If you
6 answered "No" to Question No. 7, please have your presiding juror sign and date the Verdict
7 Form.

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9 Question No. 8:

10 What is the total amount of compensatory damages Plaintiff has proved he has
11 suffered by a preponderance of the evidence as a result of the use of unreasonable force on
12 him by Defendant Samuel Marullo:

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14 Please proceed to Question 9.

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16 Question No. 9:

17 Has Plaintiff proved by a clear and convincing evidence that Defendant Samuel
18 Marullo's engaged in conduct constituting a battery of Plaintiff with malice, oppression or
19 fraud:

20 _____ Yes _____ No

21 Please have your presiding juror sign and date the Verdict Form.

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23 Dated: July 15, 2013

Redacted Verdict Form as to
Foreperson Signature

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25 FOREPERSON

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SPECIAL VERDICT

(Plaintiff Donnie Walton v. Defendant
Officer Mario Leonidas)

We, the jury in the above-entitled action, unanimously answer the following questions as our special verdict:

EXCESSIVE USE OF FORCE

Question No. 1:

Has Plaintiff Donnie Walton proved by a preponderance of the evidence that Defendant Mario Leonidas deprived him of his Fourth Amendment right by using excessive force during the detention and arrest of Plaintiff?

Yes X No

If you answered "Yes" to Question No. 1, please answer Question No. 2. If you answered "No" to Question No. 1, please go to Question No. 6.

15 | Question No. 2:

Has Plaintiff Donnie Walton proved by a preponderance of the evidence that Defendant Mario Leonidas's conduct was the cause of harm to Plaintiff? ?

Yes No

If you answered "Yes" to Question No. 2, please answer Question No. 3. If you answered "No" to Question No. 2, please go to Question No. 6.

22 Question No. 3:

23 What is the total amount of compensatory damages Plaintiff has proved he has
24 suffered by a preponderance of the evidence as a result of the use of excessive force on him
25 by Defendant Mario Leonidas:

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If in answer to Question No. 3, you have not awarded Plaintiff Donnie Walton any compensatory damages, please answer Question No. 4. If in answer to Question No. 3, you did award Plaintiff Donnie Walton compensatory damages, proceed to Question 5.

Question No. 4:

What is the amount of nominal damages suffered by a Plaintiff Donnie Walton as a result of the use of excessive force on him by Defendant Mario Leonidas:

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Please proceed to Question No. 5.

Question No. 5:

Has Plaintiff proved by a preponderance of the evidence that Defendant Mario Leonidas's conduct was malicious, oppressive, or in reckless disregard of Plaintiff Donnie Walton's Fourth Amendment right to be free from the use of excessive force on him:

_____ Yes _____ No

Please proceed to Question No. 6.

BATTERY

Question No. 6:

Has Plaintiff Donnie Walton proved by a preponderance of the evidence that Defendant Mario Leonidas used unreasonable force during the detention and arrest of Plaintiff?

_____ Yes _____ X No

If you answered "Yes" to Question No. 6, please answer Question No. 7. If you answered "No" to Question No. 6, please have your presiding juror sign and date the Verdict Form.

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1 | Question No. 7

Has Plaintiff Donnie Walton proved by a preponderance of the evidence that Defendant Mario Leonidas's conduct was the cause of harm to Plaintiff? ?

4 _____ Yes _____ No

If you answered "Yes" to Question No. 7, please answer Question No. 8. If you answered "No" to Question No. 7, please have your presiding juror sign and date the Verdict Form.

9 || Question No. 8:

10 What is the total amount of compensatory damages Plaintiff has proved he has
11 suffered by a preponderance of the evidence as a result of the use of unreasonable force on
12 him by Defendant Mario Leonidas:

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Please proceed to Question 9.

16 | Question No. 9:

Has Plaintiff proved by a clear and convincing evidence that Defendant Mario Leonidas's engaged in conduct constituting a battery of Plaintiff with malice, oppression or fraud:

20 Yes _____ No _____

Please have your presiding juror sign and date the Verdict Form.

23 | Dated: July 15, 2013

***Redacted Verdict Form as to
Foreperson Signature***

FOREPERSON

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2 **ORDER**
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5 Therefore, IT IS HEREBY ORDERED, DECREED AND ADJUDGED that
6 judgment on the merits be entered in favor of Defendants, **CITY OF LOS ANGELES,**
7 **OFFICER SAMUEL MARULLO** and **OFFICER MARIO LEONIDAS**, and
8 against Plaintiff, DONNIE WALTON, and that the Plaintiff take nothing; and that
9 Defendants **CITY OF LOS ANGELES**, **OFFICER SAMUEL MARULLO** and
10 **OFFICER MARIO LEONIDAS**, be entitled to recover their costs from the Plaintiff
in accordance with Local Rule 54.

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12 Dated: 10/8/13

Robert J Timlin

13 **HONORABLE ROBERT J. TIMLIN**
14 United States District Judge
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